

Application No.: 09/974710

Case No.: 55526US002

REMARKS

Claims 1, 3-8, 10-17, 19-22, 25-35, 53 and 55-60 are pending. Claims 36-52 have been withdrawn from consideration. Claims 1, 20, 21, 22, 27 and 53 are amended. Claims 2, 9, 18, 23, 24, 54 and 61-67 are cancelled.

§ 102 Rejections

Claims 53-55 stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent Number 5,212,011 to Ishikawa et al. ("Ishikawa"). In response to the Applicant's previous arguments, the Examiner states that the adhesive layer #3 in Figure 2 of Ishikawa is the cap layer, and has an unstructured exposed surface, and the base film #2 is the at least one first layer. The Examiner includes Claim 54 in the rejection. However, clearly, the limitations of Claim 54, namely that the cap layer is non-structured on both sides, would not be disclosed by the embodiment in Figure 2 of Ishikawa. Applicant has amended claim 53 to incorporate the limitations of Claim 54, and Claim 54 has been cancelled. The rejection of claims 53 and 55 as being anticipated by Ishikawa has been overcome, and should be withdrawn.

Claims 1-8, 11, 19, 20, 22, 26-35 and 53-55 stand rejected under 35 USC § 102(b) as being anticipated by WO 99/58620 to Abe ("Abe"). Claims 1 and 22 have been amended to incorporate discrete reservoirs between the structured surface and the cap layer. Claims 2-8, 11, 19, 20 and 28-35 depend, directly or indirectly, from Claim 1. Claims 26 and 27 depend from Claim 22. Claim 53 has been amended to require that the adhesive cap layer is non-structured on both sides. Nothing in Abe shows an adhesive cap layer that is non-structured on both sides. Claim 54 has been cancelled. Claim 55 depends from Claim 53. The rejection of Claims 1-8, 11, 19, 20, 22, 26-35 and 53-55 as being anticipated by Abe has been overcome and should be withdrawn.

Claims 1-8, 11, 13 and 21 stand rejected under 35 USC § 102(b) as being anticipated by JP 08-100155 to Tajima et al. ("Tajima"). The Examiner states that Tajima teaches a cap layer #5 in Figure 1. Claim 1 has been amended to incorporate discrete reservoirs between the structured surface and the cap layer. Claims 2-8, 11, 13 and 21 depend, directly or indirectly, from Claim 1. The rejection of Claims 1-8, 11, 13 and 21 as being anticipated by Tajima has been overcome and should be withdrawn.

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Claims 1-8, 11, 13 and 20, 22 and 26 stand rejected under 35 USC § 102(b) as being anticipated by GB 1 511 060 ("GB '060"). Claims 1 and 22 have been amended to incorporate discrete reservoirs between the structured surface and the cap layer. Additionally, the Examiner points to #5 in the figures as the cap layer. However, the specification clearly states that #5 is the object the adhesive is bonded to, i.e. the substrate, not a cap layer. Claims 2-8, 11, 13, and 20 depend, directly or indirectly, from Claim 1. Claim 26 depends from Claim 22. The rejection of Claims 1-8, 11, 13, 20, 22 and 26 as being anticipated by GB '060 has been overcome and should be withdrawn.

Claims 1-8, 10, 12, 14, 15, 19-22, 25, 26 and 28-35 stand rejected under 35 USC § 102(b) as being anticipated by WO 97/33946 to Hata ("Hata"). With respect to Claims 1 and 22, the Examiner points to the substrate again as the cap layer. In order to clarify the cap layer for the Examiner, applicant has amended Claims 1 and 22 to incorporate that the cap layer in a backing. Support for this amendment can be found, for example, at page 10, lines 16-19 of the application as filed. Therefore, Hata fails to disclose a backing as recited in Claims 1 and 22. Claims 2-8, 10, 12, 14, 15, 19-21 and 28-35 depend, directly or indirectly, from Claim 1. Claims 25 and 26 depend, directly or indirectly, from Claim 22. The rejection of claims 1-8, 10, 12, 14, 15, 19-22, 25, 26 and 28-35 as being anticipated by Hata has been overcome and should be withdrawn.

§ 103 Rejections

Claims 56 to 60 stand rejected under 35 USC § 103(a) as being unpatentable over Hata. The Examiner states that it would have been obvious to maximize the volume of each reservoir. However, nothing in Hata would allow one of skill in the art to know that it was even possible to make smaller volume voids. Additionally, the Examiner must read Hata as a whole. Hata teaches a disadvantage in having volumes less than 1 mm³. Such a volume is still in excess of the presently claimed ranges.

Claims 16 and 17 stand rejected under 35 USC § 103(a) as being unpatentable over Tajima in view of GB '060 or U.S. Patent Number 6,197,397 to Sher et al. ("Sher"). Claims 15 and 16 depend, from Claim 12, which was not rejected over either Tajima or GB '060. In any event, Claim 1 has been amended to incorporate discrete reservoirs between the structured surface

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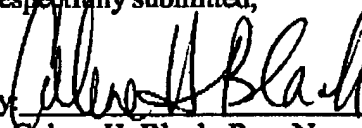
and the cap layer. Nothing in Sher discloses such a limitation. The rejection of claims 16 and 17 under 35 USC § 103(a) as being unpatentable over Tajima in view of either GB '060 or Sher has been overcome and should be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested.

Respectfully submitted,

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Date

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